Appl. No.: 10/054,709
Amdt. dated 12/08/2005
Reply to Office action of July 15, 2005

REMARKS

In the Office Action dated July 15, 2005, Claims 19-38 remain pending. Claims 19-21, 24-32, 34, and 36-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,544,161 ("*Bigham*") in view of U.S. Patent 5,572,517 ("*Safadi*").

Claims 22, 23, 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,544,161 ("*Bigham*") in view of U.S. Patent 5,572,517 ("*Safadi*") when considered in light of the present specification.

In the Office Action, *Bigham* was alleged to disclose various elements, including the Session Gatware (SESS-G), the Session Resource Manager (SRM), and Service Gateway (SVC-G). *Safadi* was cited for the proposition of disclosing a plurality of servers for providing service selection.

Applicant contends that *Bigham* does not disclose these elements, and provides a brief review prior to focusing on one aspect of how *Bigham* is deficient.

In the present invention, the application in the set top box generates a session request that includes private data. This is data coded in a user-to-user data structure or "UUD" structure, allowing data transfer between applications in a transparent manner to any intervening equipment (such as network routers). The private data contains both service-related and routing data. The routing data in the session request distinguishes the session request in the present invention from those systems in the prior art, such as those shown in Figure 1 of the present invention (which *Bigham* is similar to). *Bigham* does not disclose routing information in the session request. Because the UUD is transparent to the transport network (whether it be an ATM or other type of network), the routing information in the private data does not impact existing transport systems. The application in the set top box uses the routing data in the private data to contact the proper service via the one or more SESS-G and SVC-G. This is accomplished via the SRM analyzing the routing data in the private data. Futher information describing this can be found on pages 13-15 of the present specification.

As recited in claim 19, the SRM analyzes the private data to route the session request. Specifically claim 19 recites (with proposed amendments shown):

6 of 6

Appl. No.: 10/054,709
Amdt. dated 12/08/2005
Reply to Office action of July 15, 2005

generating a first session setup request from the session manager wherein the first session setup request includes application level private data comprising:

service data reflective of the selected service offering, and

routing data identifying a session gateway and a service gateway;

transmitting the first session setup request from the set top box to a session resource manager (SRM);

routing the first session setup request by from the SRM to a Session Gateway (SESS-G) based the routing data;

Thus, the SRM is more than just a lower layer router – it examines the routing data in the private data generated by the application in the set top box. To further clarify the invention, Applicant has amended claim 19 to recite the "private data" is "application level private data". Support for this can be found, among other places, at page 15, lines 14-15 of the specification. It is well known that "application level" data is data above the network layers, and is not examined by a network router. The other amendment shown in the claim above clarifies that the routing of the session setup request is done by the SRM.

The Office Action alleges the corresponding functionality performed by the SRM is found in the "LVAN 112" of *Bigham*, which is disclosed in Figures 2, 4 and 5. The associated text is found in *Bigham* in columns 20 through 22. A review of this section shows that the LVAN is involved in conversion of optical to electrical signals (col. 20, lines 10-22), combining RF signals (col. 20, lines 23-30), multiplexing ATM streams and SONET streams (col. 20, lines 33 – col. 21-38), handling signaling traffic (col. 21, lines 38- col. 22 lines 9). In summary, the LVAN handles the lower layer transport, multiplexing, and relaying of traffic and signaling. While this includes transporting ATM channel identifiers (e.g., VPI/VCI – see col. 21) which can be a form of lower layer routing, *it is evident that the LVAN operates at the lower layers.*

The LVAN routes data based on ATM labels (e.g., VPI/VCIs) and SONET based channels. It converts and combines RF signals. *There is no disclosure in Bigham in the text, nor in Figures 2, 4, and 5 of the LVAN examining "private data" in the session request to route the session request to a SESS-G or SVC-G.*

7 of 7

Appl. No.: 10/054,709
Amdt. dated 12/08/2005
Reply to Office action of July 15, 2005

To avoid any confusion that may exist regarding the "routing" based on ATM layer headers (e.g., VPI and VCIs), independent claims 19 and 31 are amended to recite that the "routing data" is in "application level private data." Certainly, *Bigham* cannot be alleged as disclosing the LVAN as bundling "application level private data." Thus, the functionality and processing of the LVAN does not disclose the claim limitation and is fundamentally different from the SRM as claimed.

It is apparent that *Bigham* does not disclose a SRM routing a session request based on application level private data. Further, nor does the combination of *Bigham* and *Safadi* disclose this aspect either. Because the combination of *Bigham* and *Safadi* does not disclose each and every element of the independent claim 19 and 31, a prima facia case of obviousness does not exist. Further, without addressing the allegations of the dependent claims explicitly herein, the combination of *Bigham* and *Safadi* must be also deficient for rending obvious the dependent claims, since the dependent claims also incorporate the limitations of the independent claims.

Applicant submits that the present claims are patently distinct over the combination of *Bigham* and *Safadi*, and that it is appropriate to issue a notice of allowance for the claims as amended.
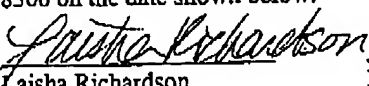
It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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Appl. No.: 10/054,709
Amdt. dated 12/08/2005
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	CERTIFICATION OF FACSIMILE TRANSMISSION
Customer No. 00826 **ALSTON & BIRD LLP** Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777	I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below. _Laisha Richardson_ 12/8/05 Laisha Richardson Date